State of South Dakota

400A0796

SENATE STATE AFFAIRS COMMITTEE
ENGROSSED NO. SB245 - 2/11/97

Introduced by: Senators Everist and Kleven and Representatives Haley, Broderick, Brown (Richard), and Cutler

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to child support.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3   Section 1. That § 25-7-6.2 be amended to read as follows:

4   25-7-6.2. The child support obligation shall be established in accordance with the combined

5 monthly net income of both parents as provided in the following schedule subject to such

6 revisions or deviations as may be permitted pursuant to §§ 25-7-6.1 to 25-7-6.17, inclusive.

Combined Monthly Net Income	One Child	Two Children	Three Children	Four Children	Five Children	Six or More Children
0-800	43	47	50	54	57	60
850	68	77	82	88	93	98
900	91	103	112	120	128	135
950	111	132	144	154	162	171
1,000	130	156	173	184	196	208

7 ~~Combined~~

8 ~~Monthly~~   ~~Six or~~

9 ~~Net~~   ~~One~~   ~~Two~~   ~~Three~~   ~~Four~~   ~~Five~~   ~~More~~

10 ~~Income~~ ~~Child~~ ~~Children~~ ~~Children~~ ~~Children~~ ~~Children~~ ~~Children~~

11 ~~0-800~~   ~~43~~   ~~47~~   ~~50~~   ~~54~~   ~~57~~   ~~60~~

12 ~~850~~   ~~68~~   ~~77~~   ~~82~~   ~~88~~   ~~93~~   ~~98~~

13 ~~900~~   ~~91~~   ~~103~~   ~~112~~   ~~120~~   ~~128~~   ~~135~~

14 ~~950~~   ~~111~~   ~~132~~   ~~144~~   ~~154~~   ~~162~~   ~~171~~

15 ~~1,000~~   ~~130~~   ~~156~~   ~~173~~   ~~184~~   ~~196~~   ~~208~~

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1	~~1,050~~	~~146~~	~~184~~	~~204~~	~~218~~	~~231~~	~~244~~
2	~~1,100~~	~~161~~	~~209~~	~~232~~	~~249~~	~~265~~	~~280~~
3	~~1,150~~	~~173~~	~~237~~	~~263~~	~~282~~	~~300~~	~~315~~
4	~~1,200~~	~~183~~	~~260~~	~~291~~	~~313~~	~~333~~	~~350~~
5	~~1,250~~	~~198~~	~~287~~	~~321~~	~~346~~	~~367~~	~~384~~
6	~~1,300~~	~~212~~	~~309~~	~~349~~	~~377~~	~~400~~	~~418~~
7	~~1,350~~	~~227~~	~~337~~	~~379~~	~~409~~	~~434~~	~~454~~
8	~~1,400~~	~~242~~	~~358~~	~~406~~	~~439~~	~~468~~	~~485~~
9	~~1,450~~	~~257~~	~~384~~	~~437~~	~~471~~	~~494~~	~~519~~
10	~~1,500~~	~~274~~	~~404~~	~~463~~	~~500~~	~~526~~	~~553~~
11	~~1,550~~	~~282~~	~~429~~	~~493~~	~~532~~	~~558~~	~~585~~
12	~~1,600~~	~~291~~	~~448~~	~~519~~	~~560~~	~~590~~	~~620~~
13	~~1,650~~	~~299~~	~~465~~	~~548~~	~~592~~	~~622~~	~~651~~
14	~~1,700~~	~~308~~	~~479~~	~~574~~	~~620~~	~~653~~	~~686~~
15	~~1,750~~	~~316~~	~~492~~	~~604~~	~~651~~	~~684~~	~~717~~
16	~~1,800~~	~~325~~	~~506~~	~~632~~	~~678~~	~~715~~	~~751~~
17	~~1,850~~	~~333~~	~~519~~	~~649~~	~~710~~	~~748~~	~~785~~
18	~~1,900~~	~~342~~	~~532~~	~~666~~	~~741~~	~~781~~	~~816~~
19	~~1,950~~	~~351~~	~~546~~	~~683~~	~~769~~	~~813~~	~~849~~
20	~~2,000~~	~~360~~	~~559~~	~~700~~	~~788~~	~~842~~	~~881~~
21	~~2,050~~	~~368~~	~~573~~	~~717~~	~~808~~	~~870~~	~~915~~
22	~~2,100~~	~~377~~	~~587~~	~~734~~	~~826~~	~~902~~	~~944~~
23	~~2,150~~	~~385~~	~~600~~	~~751~~	~~845~~	~~922~~	~~978~~
24	~~2,200~~	~~394~~	~~613~~	~~767~~	~~864~~	~~943~~	~~1,006~~
25	~~2,250~~	~~402~~	~~626~~	~~784~~	~~883~~	~~963~~	~~1,031~~

1	2,300	411	640	801	902	984	1,053
2	2,350	419	654	818	921	1,005	1,075
3	2,400	427	665	831	937	1,022	1,093
4	2,450	434	676	845	953	1,040	1,112
5	2,500	441	687	859	968	1,057	1,130
6	2,550	449	698	873	984	1,074	1,148
7	2,600	456	710	887	1,000	1,091	1,166
8	2,650	463	721	901	1,016	1,108	1,185
9	2,700	471	732	915	1,032	1,125	1,204
10	2,750	478	743	929	1,047	1,143	1,221
11	2,800	485	754	943	1,063	1,160	1,240
12	2,850	493	766	957	1,079	1,177	1,258
13	2,900	500	777	971	1,095	1,194	1,277
14	2,950	507	788	985	1,111	1,212	1,295
15	3,000	514	799	999	1,126	1,229	1,313
16	3,050	522	810	1,013	1,142	1,246	1,332
17	3,100	529	820	1,025	1,157	1,262	1,349
18	3,150	534	829	1,036	1,169	1,276	1,363
19	3,200	540	837	1,047	1,182	1,289	1,377
20	3,250	546	846	1,058	1,193	1,302	1,391
21	3,300	552	855	1,069	1,206	1,316	1,406
22	3,350	557	864	1,080	1,218	1,329	1,420
23	3,400	563	872	1,091	1,230	1,343	1,435
24	3,450	569	881	1,102	1,243	1,356	1,449
25	3,500	574	889	1,113	1,255	1,369	1,464

1	~~3,550~~	~~580~~	~~898~~	~~1,124~~	~~1,267~~	~~1,383~~	~~1,477~~
2	~~3,600~~	~~586~~	~~907~~	~~1,135~~	~~1,279~~	~~1,397~~	~~1,492~~
3	~~3,650~~	~~591~~	~~915~~	~~1,146~~	~~1,291~~	~~1,410~~	~~1,506~~
4	~~3,700~~	~~598~~	~~924~~	~~1,157~~	~~1,305~~	~~1,424~~	~~1,522~~
5	~~3,750~~	~~604~~	~~935~~	~~1,170~~	~~1,319~~	~~1,440~~	~~1,539~~
6	~~3,800~~	~~610~~	~~945~~	~~1,183~~	~~1,334~~	~~1,456~~	~~1,556~~
7	~~3,850~~	~~617~~	~~955~~	~~1,196~~	~~1,348~~	~~1,472~~	~~1,573~~
8	~~3,900~~	~~624~~	~~966~~	~~1,210~~	~~1,363~~	~~1,488~~	~~1,590~~
9	~~3,950~~	~~631~~	~~977~~	~~1,222~~	~~1,378~~	~~1,505~~	~~1,607~~
10	~~4,000~~	~~637~~	~~987~~	~~1,236~~	~~1,392~~	~~1,520~~	~~1,624~~

11 Combined

12 Net

	Monthly Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
15	0-1,000	50	50	50	50	50	50
16	1,050	74	75	76	77	78	78
17	1,100	119	121	122	123	125	126
18	1,150	164	166	168	170	172	173
19	1,200	209	212	214	216	219	221
20	1,250	254	257	260	263	266	268
21	1,300	299	303	306	309	313	316
22	1,350	322	348	352	356	360	363
23	1,400	333	394	398	402	407	411
24	1,450	344	439	444	449	454	458
25	1,500	355	485	490	495	501	506
26	1,550	366	530	536	542	548	553
27	1,600	378	547	582	588	595	601

1	1,650	389	563	628	635	642	648
2	1,700	400	579	674	681	689	696
3	1,750	411	595	701	728	736	743
4	1,800	422	611	719	774	783	791
5	1,850	434	627	737	815	830	838
6	1,900	443	641	754	833	877	886
7	1,950	452	654	769	849	921	933
8	2,000	460	666	783	866	938	981
9	2,050	469	678	798	882	956	1,023
10	2,100	477	691	813	898	974	1,042
11	2,150	485	703	828	914	991	1,061
12	2,200	494	715	842	931	1,009	1,079
13	2,250	502	728	857	947	1,026	1,098
14	2,300	510	739	870	962	1,043	1,116
15	2,350	515	745	878	970	1,051	1,125
16	2,400	520	752	885	978	1,060	1,134
17	2,450	524	758	892	986	1,068	1,143
18	2,500	529	765	899	993	1,077	1,152
19	2,550	534	771	906	1,001	1,085	1,161
20	2,600	538	778	913	1,009	1,094	1,171
21	2,650	543	784	921	1,017	1,103	1,180
22	2,700	548	791	928	1,025	1,111	1,189
23	2,750	555	800	938	1,037	1,124	1,203
24	2,800	562	810	950	1,050	1,138	1,217
25	2,850	569	820	961	1,062	1,151	1,232
26	2,900	576	830	973	1,075	1,165	1,247
27	2,950	583	840	984	1,088	1,179	1,262
28	3,000	590	850	996	1,100	1,193	1,276
29	3,050	598	860	1,007	1,113	1,207	1,291

1	3,100	605	870	1,019	1,126	1,220	1,306
2	3,150	611	880	1,030	1,138	1,234	1,320
3	3,200	618	889	1,041	1,150	1,247	1,334
4	3,250	624	898	1,052	1,163	1,260	1,348
5	3,300	630	907	1,063	1,175	1,273	1,363
6	3,350	637	917	1,074	1,187	1,287	1,377
7	3,400	643	926	1,085	1,199	1,300	1,391
8	3,450	649	935	1,096	1,211	1,313	1,405
9	3,500	656	944	1,107	1,223	1,326	1,419
10	3,550	662	954	1,118	1,236	1,340	1,433
11	3,600	670	965	1,131	1,249	1,354	1,449
12	3,650	677	975	1,143	1,263	1,369	1,465
13	3,700	685	986	1,155	1,276	1,384	1,480
14	3,750	692	997	1,167	1,290	1,398	1,496
15	3,800	700	1,007	1,180	1,303	1,413	1,512
16	3,850	707	1,018	1,192	1,317	1,428	1,527
17	3,900	715	1,028	1,204	1,330	1,442	1,543
18	3,950	723	1,039	1,216	1,344	1,457	1,559
19	4,000	729	1,049	1,227	1,356	1,470	1,573
20	4,050	736	1,058	1,238	1,369	1,483	1,587
21	4,100	742	1,067	1,249	1,381	1,497	1,601
22	4,150	749	1,077	1,261	1,393	1,510	1,616
23	4,200	755	1,086	1,272	1,405	1,523	1,630
24	4,250	762	1,096	1,283	1,417	1,536	1,644
25	4,300	768	1,105	1,294	1,429	1,549	1,658
26	4,350	775	1,114	1,305	1,442	1,563	1,672
27	4,400	781	1,124	1,316	1,454	1,576	1,686
28	4,450	788	1,133	1,327	1,466	1,589	1,700
29	4,500	794	1,143	1,338	1,478	1,602	1,714

1	4,550	801	1,152	1,349	1,490	1,615	1,729
2	4,600	807	1,161	1,359	1,502	1,628	1,742
3	4,650	812	1,168	1,368	1,512	1,639	1,754
4	4,700	817	1,176	1,377	1,522	1,650	1,765
5	4,750	822	1,183	1,386	1,532	1,661	1,777
6	4,800	826	1,190	1,396	1,542	1,672	1,789
7	4,850	831	1,198	1,405	1,552	1,683	1,800
8	4,900	836	1,205	1,414	1,562	1,694	1,812
9	4,950	841	1,213	1,423	1,572	1,705	1,824
10	5,000	846	1,220	1,432	1,583	1,716	1,836
11	5,050	851	1,228	1,441	1,593	1,727	1,847
12	5,100	856	1,235	1,451	1,603	1,737	1,859
13	5,150	861	1,243	1,460	1,613	1,748	1,871
14	5,200	866	1,250	1,469	1,623	1,759	1,883
15	5,250	871	1,257	1,478	1,633	1,770	1,894
16	5,300	876	1,265	1,487	1,643	1,781	1,906
17	5,350	880	1,272	1,496	1,653	1,792	1,918
18	5,400	885	1,280	1,505	1,663	1,803	1,929
19	5,450	891	1,288	1,516	1,675	1,816	1,943
20	5,500	898	1,298	1,527	1,687	1,829	1,957
21	5,550	904	1,307	1,538	1,699	1,842	1,971
22	5,600	911	1,316	1,549	1,711	1,855	1,985
23	5,650	917	1,326	1,560	1,723	1,868	1,999
24	5,700	923	1,335	1,571	1,735	1,881	2,013
25	5,750	930	1,344	1,582	1,748	1,894	2,027
26	5,800	936	1,353	1,592	1,760	1,907	2,041
27	5,850	943	1,363	1,603	1,772	1,921	2,055
28	5,900	949	1,372	1,614	1,784	1,934	2,069
29	5,950	955	1,381	1,625	1,796	1,947	2,083

1	6,000	962	1,390	1,636	1,808	1.960	2,097
2	6,050	968	1,400	1,647	1,820	1,973	2,111
3	6,100	975	1,409	1,658	1,832	1,986	2,125
4	6,150	981	1,418	1,669	1,844	1,999	2,139
5	6,200	987	1,427	1,680	1,856	2,012	2,153
6	6,250	994	1,437	1,691	1,869	2,026	2,167
7	6,300	1,000	1,446	1,702	1,881	2,039	2,181
8	6,350	1,007	1,455	1,713	1,893	2,052	2,195
9	6,400	1,013	1,465	1,724	1,905	2,065	2,209
10	6,450	1,019	1,474	1,735	1,917	2,078	2,223
11	6,500	1,026	1,483	1,746	1,929	2,091	2,238
12	6,550	1,032	1,492	1,757	1,941	2,104	2,252
13	6,600	1,039	1,502	1,768	1,953	2,117	2,266
14	6,650	1,045	1,511	1,779	1,965	2,130	2,280
15	6,700	1,051	1,520	1,790	1,977	2,144	2,294
16	6,750	1,058	1,529	1,801	1,990	2,157	2,308
17	6,800	1,064	1,539	1,811	2,002	2,170	2,322
18	6,850	1,071	1,548	1,822	2,014	2,183	2,336
19	6,900	1,077	1,557	1,833	2,026	2,196	2,350
20	6,950	1,083	1,567	1,844	2,038	2,209	2,364
21	7,000	1,090	1,576	1,855	2,050	2,222	2,378
22	7,050	1,096	1,585	1,866	2,062	2,235	2,392
23	7,100	1,102	1,594	1,877	2,074	2,248	2,405
24	7,150	1,108	1,602	1,886	2,084	2,259	2,417
25	7,200	1,113	1,610	1,895	2,094	2,270	2,429
26	7,250	1,118	1,617	1,904	2,104	2,281	2,441
27	7,300	1,124	1,625	1,914	2,115	2,292	2,453
28	7,350	1,129	1,633	1,923	2,125	2,303	2,465
29	7,400	1,135	1,641	1,932	2,135	2,315	2,477

1	7,450	1,140	1,649	1,942	2,146	2,326	2,489
2	7,500	1,145	1,657	1,951	2,156	2,337	2,500
3	7,550	1,151	1,664	1,960	2,166	2,348	2,512
4	7,600	1,156	1,672	1,970	2,176	2,359	2,524
5	7,650	1,161	1,680	1,979	2,187	2,370	2,536
6	7,700	1,167	1,688	1.988	2,197	2,381	2,548
7	7,750	1,172	1,696	1,997	2,207	2,393	2,560
8	7,800	1,178	1,704	2,007	2,217	2,404	2,572
9	7,850	1,183	1,712	2,016	2,228	2,415	2,584
10	7,900	1,188	1,719	2,025	2,238	2,426	2,596
11	7,950	1,194	1,727	2,035	2,248	2,437	2,608
12	8,000	1,199	1,735	2,044	2,258	2,448	2,620
13	8,050	1,205	1,743	2,053	2,269	2,459	2,632
14	8,100	1,210	1,751	2,062	2,279	2,471	2,643
15	8,150	1,215	1,759	2,072	2,289	2,482	2,655
16	8,200	1,221	1,767	2,081	2,300	2,493	2,667
17	8,250	1,226	1,774	2,090	2,310	2,504	2,679
18	8,300	1,231	1,782	2,100	2,320	2,515	2,691
19	8,350	1,237	1,790	2,109	2,330	2,526	2,703
20	8,400	1,242	1,798	2,118	2,341	2,537	2,715
21	8,450	1,248	1,806	2,128	2,351	2,548	2,727
22	8,500	1,253	1,814	2,137	2,361	2,560	2,739
23	8,550	1,258	1,821	2,146	2,371	2,571	2,751
24	8,600	1,264	1,829	2,155	2,382	2,582	2,763
25	8,650	1,269	1,837	2,165	2,392	2,593	2,775
26	8,700	1,275	1,845	2,174	2,402	2,604	2,786
27	8,750	1,280	1,853	2,183	2,413	2,615	2,798
28	8,800	1,285	1,861	2,193	2,423	2,626	2,810
29	8,850	1,291	1,869	2,202	2,433	2,638	2,822

1	8,900	1,296	1,876	2,211	2,443	2,649	2,834
2	8,950	1,301	1,884	2,221	2,454	2,660	2,846
3	9,000	1,307	1,892	2,230	2,464	2,671	2,858
4	9,050	1,312	1,900	2,239	2,474	2,682	2,870
5	9,100	1,318	1,908	2,248	2,484	2,693	2,882
6	9,150	1,323	1,916	2,258	2,495	2,704	2,894
7	9,200	1,328	1,924	2,267	2,505	2,715	2,906
8	9,250	1,334	1,931	2,276	2,515	2,727	2,918
9	9,300	1,339	1,939	2,286	2,526	2,738	2,929
10	9,350	1,345	1,947	2,295	2,536	2,749	2,941
11	9,400	1,350	1,955	2,304	2,546	2,760	2,953
12	9,450	1,355	1,963	2,313	2,556	2,771	2,965
13	9,500	1,361	1,971	2,323	2,567	2,782	2,977
14	9,550	1,366	1,978	2,332	2,577	2,793	2,989
15	9,600	1,371	1,986	2,341	2,587	2,805	3,001
16	9,650	1,377	1,994	2,351	2,597	2,816	3,013
17	9,700	1,382	2,002	2,360	2,608	2,827	3,025
18	9,750	1,388	2,010	2,369	2,618	2,838	3,037
19	9,800	1,393	2,018	2,379	2,628	2,849	3,049
20	9,850	1,398	2,026	2,388	2,638	2,860	3,060
21	9,900	1,404	2,033	2,397	2,649	2,871	3,072
22	9,950	1,409	2,041	2,406	2,659	2,883	3,084
23	10,000	1,415	2,049	2,416	2,669	2,894	3,096

24

25   The child support obligation from the schedule shall be divided proportionately between the

26   parents, based upon their respective net incomes. The share of the custodial parent is presumed

27   to be spent directly for the benefit of the child. The share of the noncustodial parent establishes

28   the amount of the child support order.

1   Section 2. That chapter 25-7 be amended by adding thereto a NEW SECTION to read as

2   follows:

3   The court may enter an order allocating the reasonable child care expenses for the child,

4   which are due to employment of either parent, job search of either parent, or the training or

5   education of either parent necessary to obtain a job or enhance earning potential. The court may

6   consider whether the federal child care tax credit for such minor child is available as a benefit to

7   the custodial parent. If the federal child care tax credit is available to the custodial parent, it shall

8   be calculated at twenty-five percent of the eligible expense.

9   Section 3. That § 25-7-6.10 be amended to read as follows:

10   25-7-6.10. Deviation from the schedule in § 25-7-6.2 shall be considered if raised by either

11   party and made only upon the entry of specific findings based upon any of the following factors:

12   (1)   The income of a subsequent spouse or contribution of a third party to the income or

13   expenses of that parent but only if the application of the schedule works a financial

14   hardship on either parent;

15   (2)   Any financial condition of either parent which would make application of the schedule

16   inequitable;

17   (3)   Whether the federal income tax dependent deduction for such minor child is allocated

18   to the benefit of the support obligor or the custodial parent;

19   (4)   Any special needs of the child;

20   (5)   The effect of custody and visitation provisions including whether children share

21   substantial amounts of time with each parent;

22   (6)   ~~Child care expenses for the child for whom the support is being set, which are due to~~

23   ~~employment or job search of either parent, or to allow the parent to obtain training~~

24   ~~or education necessary to obtain a job or enhance earning potential;~~

25   (7)   For agreements entered into prior to July 1, 1986, if it is established by clear and

1   convincing evidence, that debts or property were exchanged for child support and it

2   appears equitable to continue such arrangement;

3   (8)   The effect of agreements between the parents regarding extra forms of support for the

4   direct benefit of the child;

5   (9)   The obligation of either parent to provide for subsequent natural children or

6   stepchildren. However, an existing support order may not be modified solely for this

7   reason; or

8   (10)   The voluntary act of either parent which reduces that parent's income.

9   Section 4. That § 25-7-6.7 be amended to read as follows:

10   25-7-6.7. Deductions from monthly gross income shall be allowed as follows:

11   (1)   Income taxes withheld figured on the basis of two dependent exemptions for a single

12   taxpayer paid monthly rather than actual amount withheld;

13   (2)   Estimated income taxes payable, prorated monthly;

14   (3)   FICA taxes withheld from wages or salary;

15   (4)   Retirement fund amounts withheld or paid directly to an IRS qualified retirement plan,

16   if required by law or as a condition of employment or in a reasonable amount for self-

17   employed individuals, and in both cases limited to the amounts deductible for federal

18   income tax purposes;

19   (5)   Actual business expenses of an employee, incurred for the benefit of his employer, not

20   reimbursed;

21   (6)   Payments made on other support and maintenance orders.

22   Section 5. That § 25-7-6.12 be amended to read as follows:

23   25-7-6.12. The ~~Department of Social Services~~ Governor shall, commencing in the year 2000,

24   establish quadrennially a commission on child support. The commission shall review the ~~schedule~~

25   ~~biennially~~ provisions of this chapter, shall report its findings to the Governor and the Legislature,

1 and may propose amendment thereof to the Legislature.

2 Section 6. That § 25-7-6.13 be amended to read as follows:

3 25-7-6.13. All orders for support entered and in effect prior to ~~July 1, 1989~~ July 1, 1997 may

4 be modified in accordance with ~~the schedule~~ this chapter without requiring a showing of a

5 change in circumstances from the entry of the order.

6 Section 7. That § 25-7-6.14 be amended to read as follows:

7 25-7-6.14. ~~An abatement of a portion of the child support may be ordered if a child spends~~

8 ~~more than twenty-nine consecutive days with the noncustodial parent.~~ Unless the parties

9 otherwise agree and the agreement is approved by the court, the court may, if deemed

10 appropriate under the circumstances, order an abatement of not less than thirty-eight percent nor

11 more than sixty-six percent of the child support if:

12 (1)   A child spends ten or more days in a month with the obligor;

13 (2)   The number of days of visitation and the abatement percentage or amount are

14   specified in the court order; and

15 (3)   The visitation is actually exercised.

16 The court shall allow the abatement to the obligor in the month in which the visitation is

17 exercised, unless otherwise ordered.

18 Section 8. That § 25-7-6.15 be amended to read as follows:

19 25-7-6.15. If travel costs are substantial due to the distance between the parents, the court

20 may order the allocation of such costs, taking into consideration the circumstances of the

21 respective parties as well as which parent moved and the reason ~~therefor~~ that the move was

22 made.

23 Section 9. That § 25-7-6.16 be amended to read as follows:

24 25-7-6.16. The court may enter an order for health and dental insurance coverage. Medical

25 insurance shall be provided for the benefit of the minor child whenever practical. The cost of the

1   insurance attributable to the child shall be determined by dividing the out-of-pocket cost of the

2   insurance to the parent by the number of individuals insured thereunder ~~and~~. However, if

3   information is provided at the time of hearing regarding the actual additional costs for the child's

4   share of the insurance, that figure shall be used. The cost so computed shall be apportioned

5   between the parents on the basis of income or income imputed as provided in §§ 25-7-6.1 to

6   25-7-6.17, inclusive. If one parent pays the entire amount, ~~he~~ that parent shall either be

7   reimbursed by the other parent for ~~the other~~ that parent's portion of the payment, or shall receive

8   a credit against his or her support obligation, whichever is appropriate. Any additional,

9   reasonable medical costs, including optometric, dental or orthodontic, counseling or other health

10   care costs for each minor child which exceed two hundred fifty dollars in any year and are not

11   covered by insurance, shall be apportioned between the parents in proportion to the support

12   obligation of each parent.

13   Section 10. That chapter 25-7 be amended by adding thereto a NEW SECTION to read as

14   follows:

15   Notwithstanding the provisions of § 25-7A-17 or § 25-7-7.3, if, by agreement of the parties,

16   the obligor had primary physical custody of the child for more than four consecutive months, the

17   court may credit the obligor for child support arrearages which accumulated during the period

18   the obligor had actual physical custody of the child.

1   **BILL HISTORY**

2   2/3/97 First read in Senate and referred to State Affairs. S.J. 284

3   2/10/97 Scheduled for Committee hearing on this date.

4   2/10/97 State Affairs Do Pass Amended, AYES 8, NAYS 0. S.J. 368